

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
ex rel. THOMAS O'FARRELL #K54340,)	
)	
Petitioner,)	
)	
v.)	No. 08 C 2403
)	
JOSEPH MATHY, Assistant Warden,)	
Pontiac Correctional Center,)	
)	
Respondent.)	

MEMORANDUM ORDER

Thomas O'Farrell ("O'Farrell") has filed a "Motion for Reconsideration and Leave To File Reply to State's Limited Response to Petition for Writ of Habeas Corpus Instanter," in which he objects to this Court's June 18, 2008 memorandum order ("Order") that had dismissed O'Farrell's 28 U.S.C. §2254 ("Section 2254") Petition for Writ of Habeas Corpus ("Petition") as untimely. As the Order reflects, that action was taken on the strength of the Illinois Attorney General's comprehensive analysis of O'Farrell's several excursions through the state court judicial system.

It appears that a linchpin of O'Farrell's claim of timeliness is his contention that the Illinois state courts should have (though they did not) treat his "Affidavit of Intent To File an Appeal to the Appellate Court of Illinois, First Judicial District" as the equivalent of a notice of appeal. But that contention complains of a state court procedural ruling, not

a constitutional deprivation. And conventional wisdom teaches that state procedural defaults are not subject to reexamination in federal habeas proceedings.

But having said that, this Court should add that O'Farrell's convoluted submission does not make plain whether and to what extent he must prevail on his several contentions to bring his Petition within the allowed one-year limitation period under Section 2254. This Court therefore orders the Attorney General's Office to file a response to O'Farrell's current filing, still focusing solely on the issue of timeliness or untimeliness, on or before July 25, 2008. This Court will then be in a position to address O'Farrell's motion for reconsideration on a better-informed basis.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Milton I. Shadur
Senior United States District Judge

Date: July 9, 2008